

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MUMIA ABU-JAMAL,	:	
	:	
Plaintiff	:	Civil Action No. 16-cv-2000
	:	
v.	:	Judge Robert D. Mariani
	:	
	:	
JOHN WETZEL, <i>et al.</i> ,	:	
	:	
Defendants	:	<b>Filed Via Electronic Case File</b> <b>Jury Trial Demanded</b>

**DEFENDANTS' MOTION TO DISMISS**

The Department of Corrections Defendants John Wetzel; Paul Noel; the Assistant Medical Director for the BHCS; the BHCS Infection Control Coordinator; and Joseph Silva hereby move this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the claims in Plaintiff's Complaint against them for failure to state a claim for which relief can be granted and for such other grounds as set forth in the supporting brief that will be filed in accordance with the time period set by U.S. Dist. Ct. Rule M.D.Pa. L. R. 7.5.

**WHEREFORE**, Corrections Defendants respectfully request that the Court dismiss the Plaintiff's claims against them as set forth in the supporting brief with prejudice.

Respectfully submitted,

Office of General Counsel

By: /s/ Maria G. Macus  
Maria G. Macus  
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Dated: October 25, 2016

**CERTIFICATE OF NON-CONCURRENCE**

The Undersigned Counsel contacted Plaintiff's counsel and Attorney Boyle has indicated that Plaintiff's Counsel does not concur in this request.

Respectfully submitted,

Office of General Counsel

By: s/ Maria G. Macus  
Maria G. Macus

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**CERTIFICATE OF SERVICE**

I hereby certify that the within *Motion to Dismiss and Proposed Order* have been filed electronically and are available for viewing and downloading from the ECF system by Counsel for Plaintiff and therefore satisfies the service requirements under Fed.R.Civ.P. 5(b)(2)(E); L.R. 5.7.

By: /s/ Maria G. Macus  
Maria G. Macus  
Office of Chief Counsel  
PA Department of Corrections

Dated: October 25, 2016